

## **KANSAS CHARITABLE HEALTH CARE PROGRAM**

### **JANUARY 2017 REPORT**

In 1991, Kansas enacted legislation allowing indigent health care clinics and charitable health care providers to receive coverage under the Kansas Tort Claims Act for liability purposes, with the intent to increase the provision of health care to the medically indigent. Kansas Statutes permits the Kansas Department of Health and Environment (KDHE) to enter into agreements with health care professionals and indigent health care clinics, deeming the individual/organization a charitable health care provider rendering professional services to medically indigent persons gratuitously. A charitable health care provider for purposes of any claim for damages arising as a result of rendering professional services to a medically indigent person, which professional services were rendered gratuitously at a time when an agreement entered into by the charitable health care provider with the Secretary of Health and Environment under this section was in effect, shall be considered an employee of the State under the Kansas Tort Claims Act [KSA 75-6120]. KDHE's established rules and regulations for Charitable Health Care Providers (CHCP) including, criteria for CHCPs to follow in determining whether a person qualifies as a medically indigent person, is found in [KAR 28-53-3](#).

The following report is in response to the House Bill 2615 requiring KDHE to report, annually starting January 15, 2017, to the Senate Committee on Public Health and Welfare and the House Committee on Health and Human Services, what types of charitable health care providers have signed agreements under the bill and how many are using it to provide gratuitous care.

***Please Note: Data collection and reconciliation of CHCP agreement records is currently in progress as CHCPs' timeline for reporting data for calendar year 2016 is March 31, 2017. The information provided below is preliminary estimates based on the available information as of January 9, 2017. A complete report will be provided by May 15, 2017.***

### **Charitable Health Care Provider Tracking Process**

The Primary Care and Rural Health Office located within the KDHE Bureau of Community Health Systems is responsible for the data collection and tracking of Charitable Health Care Providers and Indigent Health Care Clinics. KDHE receives Charitable Health Care Provider (CHCP) and Point of Entry agreement forms continuously throughout the year. The Office reviews and validates the information provided in each agreement form. Once the review is complete, the agreement will be signed by the Secretary of KDHE.

Annually the Office gathers data from CHCPs and Point of Entries in aggregated form reporting on the number of patients by income level (i.e., at or below 200% of the federal poverty level) and by payor type (e.g., uninsured, public insurance). Individuals and organizations are expected to report this data to KDHE by March 31 of each calendar year.

Point of Entries are also asked to provide an updated list of health professionals providing services through the clinic/organization. This information is used by the Office to verify that CHCPs remain affiliated with a clinic/organization and to ensure completeness in records.

There are three major pathways that a health professional may serve as a charitable health care provider, each described below.

### ***Charitable Care through Point of Entry (Clinics and Organizations)***

Charitable health care providers may gratuitously provide professional services coordinated through an entity serving as designated “point of entry”. “Point of entry” means an entity that performs the following: (A) determines whether an individual meets the criteria for a medically indigent person; (B) refers any medically indigent person to a charitable health care provider; and (C) has submitted a completed application to the Department on forms prescribed by the Department [KAR 28-53-3].

Point of Entries can be categorized as an indigent health care clinic or other not-for-profit organizations. An indigent health care clinic is defined as an outpatient medical care clinic operated on a not-for-profit basis that has an agreement in place with KDHE [KSA75-6102(g)]. Other organizations designated as a “point of entry” must be not-for profit and are responsible for determining whether an individual meets the criteria for a medically indigent person and referring any medically indigent person to a designated CHCP. Health professionals intending to provide professional services through a designated “point of entry” must have a formal agreement with the indigent health care clinic or a signed charitable health care provider agreement with KDHE [KSA75-6102(e)(3)].

Data as of January 8, 2017 ...

<b>Category</b>	<b>Number of Point of Entry Agreements</b>	<b>Estimated Number of CHCP affiliated with Point of Entry</b>
Indigent Health Care Clinic, Aid-to-Local Primary Health Funding	39	1192
Local Health Departments	44	65
Indigent Health Care Clinics, Other	5	33
Not-for-Profit Organizations	3	935

### ***Charitable Care Through Independent Private Practices***

Charitable health care providers, on their own, may gratuitously provide professional services to a person who has provided information which would reasonably lead the health care provider to make the good faith assumption that such person meets the definition of medically indigent person [KSA75-6102(e)(1)].

The Primary Care and Rural Health Office identified 2,469 records in its CHCP database indicating providers who had signed a CHCP agreement with KDHE, had a current license/certification by Kansas State Licensing Board, and not associated with a designated “point of entry” in the database. In December 2016, letters were mailed to these providers to verify their CHCP status by requiring the submission of aggregated patient data and completing the CHCP renewal form.

Data as of January 8, 2017 ...

Total Number Providers Receiving Letters	2,469
Number of Undeliverable Letters	333
Number of Responses Received	95

### ***Dental Charitable Care at Not-for-Profit Events***

Dental professionals may provide gratuitous dentistry and dental hygienist services at an event targeted but not limited to medically indigent individuals sponsored by a not-for-profit organization, such as the annual Kansas Mission of Mercy event sponsored by the Kansas Dental Foundation [KSA75-6102(e)(4)].

Data as January 8, 2017 ...

	Kansas Dental Foundation's Mission of Mercy	
	January 2015	January 2016
Number of Dentists Participating in Event	131	150
Number of Registered Dental Hygienists in Event	119	128
Total Number Dental Providers Participating in Event	<u>250</u>	<u>278</u>